Agritourism, Zoonotic Diseases and Legal Liability

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Agritourism and Agriculture

Farms with agritourism income

2007 2012

Source: U.S. Census of Agriculture

Agritourism income (millions)

2007 2012

Source: U.S. Census of Agriculture
Today’s Webinar

1. Agritourism and Animal Contact
   Carrie Klumb
   - Background
   - Outbreaks Investigations
   - Best Practices

2. Zoonotics and Legal Liability
   Peggy Hall
   - State sanitation laws
   - Liability protection laws
   - Liability insurance

3. So what?
   - Implications for farms
   - Outreach efforts
Agritourism, Zoonotic Diseases, and Legal Liability

What is Agritourism?

• Commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner

OR

• Any farm that is open to the public at least some parts of the year
Agritourism as the Next Frontier in Agriculture

- 2007 Ag Census
  - 23,350 farms in U.S. with agritourism income
    - $566 million in income
- 2012 Ag Census
  - 33,160 farms in U.S. with agritourism income
    - $704 million in income
- 24% increase in income over 5 years

Source: www.nass.usda.gov

What responsibilities come with adding agritourism to a farm operation?

- Keep visitors safe from injury
- Reduce the risk of a foodborne illnesses
  - Proper food licensing and following food safety guidelines
- Reduce the risk of visitors getting sick from animal contact at the farm
- Provide visitors with a great experience
- Protect farm’s assets
Agritourism and Animal Contact

Background

Why should we interact with farm animals?

Today most people don’t live on or visit farms. Agricultural exhibits that include animals teach people about farm life.

People can learn about:

– Living or working on a farm
– Where their food comes from
– Animal behavior
– The human-animal bond
Animal Contact Comes with Risks

- Animals can be unpredictable and sometimes dangerous
- Injuries include being stepped on, pushed over, pinned, kicked, scratched, or bitten

Animal Contact Comes with Risks

Diseases – How do people get sick from animals?

- Healthy animals can carry germs
- Many germs are normal in healthy animals. They carry them naturally and typically do not get sick
- We can’t tell by looking which animals might have these germs

I’m shedding germs.

But I’m not!

Who can tell?
How do people get sick from animals?

- Germs are in animal feces
- Germs spread to the animal's fur skin, and environment
- People touch the animals or the environment and then accidently get germs in their mouths
- This is called the fecal-oral transmission route
- Accidental ingestion of an animal’s germs can be direct or indirect

Direct animal contact

- People touch animals directly with their hands
- People then accidentally transfer the germs to their mouths
Indirect animal contact

• Indirect contact occurs when hands or mouth come into contact with contaminated surfaces, such as railings or animal bedding
• People then accidentally transfer the germs to their mouths

How else could people ingest germs?

• Putting contaminated objects such as pacifiers or water bottles in their mouth
• Eating contaminated foods, which occurs when germs from the environment are stirred up and settle on food or drinks
Main Problem

- Healthy animals can shed germs that may make people sick
- Most visitors don’t understand this inherent risk

City Folk vs. Farm Folk

- Visitors may be misled by close contact between owners & their animals
- Visitors don’t realize they are more likely to get sick because they have no immunity, unlike most farmers
- However, farmers can get sick too!
Why are we worried?

- Most infections cause diarrhea, vomiting, stomach cramps, & fever
- Sometimes infections cause severe illness
- *E.coli* O157:H7 infections may cause Hemolytic Uremic Syndrome (HUS).
- Lengthy hospitalizations and long-term effects common
- 5% of HUS cases fatal
- Children <5 years old at highest risk

Agritourism and Animal Contact

Outbreaks Investigations
Outbreaks from animals occur in the U.S. each year

- 255 different outbreaks, with >5,100 illnesses, >500 hospitalizations through 1996-2014
- ~50% of these outbreaks occurred at a fair, farm or petting zoo
- 2012 *E. coli* O157 outbreak occurred at a large county fair in North Carolina
  - 106 illnesses
  - 11 hospitalized (avg. 12 days)
  - 7 children developed HUS
  - 1 child died

**E. coli O157 Outbreak at Minnesota County Fairs Investigation Timeline**

- **July**
  - 29
  - 30
  - 31

- 3 hospitalized cases (Group 1) reported
- 3 case isolates (Group 2) with same DNA fingerprint reported
- Link discovered between Group 1 and Group 2
- Next scheduled county fair

- **August**
  - 14

- Petting zoo owner contacted; samples taken from animals and environment
- Fair board presidents contacted/city hall contacted
E. coli O157 Petting Zoo Outbreak DNA Fingerprint, 2014

- Pulsed-field Gel Electrophoresis (PFGE) or DNA fingerprinting is a tool used in outbreaks
- Draws a link between animals/environment and the people that got sick

Outbreak Information Requests

September 19, 2014

Mn Department of Health

PER Request for Information

P.O. Box 64507
St. Paul, MN 55164-0572

RE: Request Pursuant to the Minnesota Government in the Hands of the People Act (Gfo: Act No. 59A3.001)

Dear Records Custodian:

I am writing on behalf of [Name], a resident of [City], [County], [State], [Zip Code], who is interested in obtaining [specific information related to the request].

I request that you release the following information to me: [specify the information being requested].

Please provide the following information pursuant to the Minnesota Government in the Hands of the People Act:

- Complete copy of any and all documents relating to [specific information related to the request] for the period of [dates specified].

If you have any questions or need further information, please contact me at [phone number] or [email address].

Very truly yours,

[Name]

[Address]

[City], [State] [Zip Code]

[Phone number]

[Email address]

[Signature]

[Date]
What do these outbreaks mean for operators?

• An outbreak can have a significant impact on both finances & reputation

• A HUS case can have health care costs nearing $1 million. In Minnesota, a recent jury trial awarded $7.5 million to the family of a girl who became ill with E. coli and HUS after visiting an agritourism farm

• Outbreaks get picked up by the media & lawsuits are common

Agritourism and Animal Contact: Best Practices

We want people to interact with and enjoy animals. How can we improve safety while maintaining the fun?
Every venue should have three areas

1. **Non-animal areas**
   No animals are on display here

2. **Transition areas**
   Located at the entrances and exits to animal areas

3. **Animal areas**
   Animal contact is possible or encouraged
Animal - visitor interactions

Increases risk of injury and likelihood of getting manure on clothes, shoes, hands

Cleaning and disinfection are two separate processes. Both must be done to remove germs

What to clean and disinfect?

- Surfaces in the animal area that visitors can touch, such as railings and barriers

When to clean and disinfect?

- Daily
- When manure or visible debris is noticed
Animal care and management

• Carefully choosing the types of animals at the venue can reduce the possibility of disease & injury

• Some species or ages of animals are more likely to carry germs. This means they are riskier for some people

Can veterinarian test a venue’s animals for germs?

• This isn’t recommended as a way to determine if an animal can be exhibited

• Most of the germs we worry about are considered normal in farm animals, so a positive test would not be surprising

• Additionally, some of the germs are only shed in the feces from time to time. A negative test doesn’t mean the animal is germ-free
Visitor and Staff Education Important

- Staff should understand and know how to follow the national guidelines
- Staff should be able to educate visitors
- Visitors should understand the inherent risk of interacting with animals
- Visitors should take steps to minimize their risks through:
  - Handwashing
  - No food, drink or other hand-to-mouth activities
  - Remove shoes and change clothes once home

The Best Prevention Method

Handwashing
Handwashing

- Handwashing is the best prevention step visitors can take to reduce their risk of getting sick!
- Key points to improve hand hygiene:
  - Verbal reminders from staff
  - Large signs with prominent messages
  - Staff at the exit area
  - Convenient, clean and close facilities
  - Adequate running water

Location of handwashing stations

- Location of stations is crucial
- Position handwashing stations at the exit & within the traffic flow to maximize the number of people using them
- Stations should also be located in food concession areas
- Independent handwashing stations that are located away from bathrooms can help families supervise their children’s handwashing
Type and design

- Stations should be accessible to children, adults, and those with disabilities

Hand pump! Needs instructions!

Notes about hand sanitizer

- Sanitizer can kill some germs but don’t work against norovirus & Cryptosporidium
- If hands are visibly dirty, sanitizer won’t work
- Sanitizer is NOT a replacement for handwashing
- Use sanitizer that is 60% alcohol or higher until you can get to a sink
Zoonotics and Legal Liability

State Sanitation Laws

CDC - Centers for Disease Control and Prevention
Office for State, Tribal, Local and Territorial Support
Handwashing facilities
- Station consisting of running water, soap, paper towels, trash cans
- Antibacterial wipes
- Waterless hand sanitizers
- Adequate hand cleansing facilities

Location of facilities
- Within 10 feet of exhibit
- Within 50 feet of exhibit
- Conveniently located
- Near the exit

Penalties
- Up to $500 fine
- Up to $5,000 fine
- $25 to $250 fine
- Misdemeanor charges
- Loss of Right-to-Farm protections

Signs
- Location of handwashing station
- Recommend handwashing
- Encourage handwashing
- Explanation of health risks
- Specific warnings

25 states provide statutory liability protection for agritourism operators

Providers of agritourism activities are not liable
Or, participant assumes risks

If harm results from inherent risks of agritourism

Provider must meet certain requirements

Exceptions for acts or knowledge of provider

http://nationalaglawcenter.org/state-compilations/agritourism/
Agritourism Liability Protection Laws

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Oklahoma Stat. § 5-15

Those dangers or conditions that are an integral part of an agritourism activity
- including certain hazards,
- including surface and subsurface conditions,
- natural conditions of land, vegetation, waters,
- the behavior of wild or domestic animals
- and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations.

Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others,
- including failing to follow instructions given by the agritourism professional
- or failing to exercise reasonable caution while engaging in the agritourism activity.

Idaho Agritourism Promotion Act, Idaho Stat. § 6-3001 to 6-3006

What is an “agritourism activity”?

What are “inherent risks” of agritourism activities?
A danger or condition that is an integral part of an agritourism activity, including all of the following:

(a) The surface and subsurface conditions of land;
(b) The behavior or actions of wild animals not kept by or under the control of an agritourism provider;
(c) The behavior or actions of domestic animals other than vicious or dangerous dogs as defined in section 955.11 of the Revised Code;
(d) The ordinary dangers associated with structures or equipment ordinarily used in farming or ranching operations;
(e) The possibility of contracting illness resulting from physical contact with animals, animal feed, animal waste, or surfaces contaminated by animal waste;
(f) The possibility that a participant may act in a negligent manner, including by failing to follow instructions given by the agritourism provider or by failing to exercise reasonable caution while engaging in the agritourism activity that may contribute to injury to that participant or another participant.

Ohio Revised Code § 901.80

What are “inherent risks” of agritourism activities?

**Requirements for agritourism providers**

1. Post warning signs near agritourism activities (most states)
2. Waiver signed by participant (TX, KY)
3. Registration with Dept. of Ag. (MO)
4. Approved Agritourism Plan of Operation (LA)

Plan to include the known inherent risks to participants in the agritourism activities; the best management practices, including the placement of warning signs, to be used by the agritourism professional for reducing these risks and for warning participants of the risks; any other information requested by the Louisiana Cooperative Extension Service
Nothing [in the statute] prevents or limits the liability of an agritourism professional if the agritourism professional:

(1) commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death of the participant;

(2) has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity, or the dangerous propensity of a particular animal used in such activity;

(3) intentionally injures the participant; or

(4) fails to comply with the notice requirement.

Minnesota Stat. § 604A.40

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What about Insurance?

Pollution exclusions
Infectious disease exclusions
Implications for Agritourism

Zoonotic diseases present high risks
- To health and safety of visitors
- To viability of agritourism operation

Are agritourism liability protection statutes sufficient?
- Half of our states
- Gray areas

Is insurance coverage available?
- Exclusions and riders

Adoption of best management practices is critical
- How to educate agritourism operators and agritourism visitors?

Outreach Efforts

Resources, online training, in-person trainings
Safer FACEs Program!

Safer Farm Animal Contact Exhibits

You are invited

Agritourism Workshop 2015

Exploring human and environmental health issues at agritourism events and operations, including apple orchards, pumpkin patches, and working farms that host the public. Topics will include petting zoo safety, food licensing and handling requirements, and more! Two dates to choose from:

Wednesday, May 13 from 5:30 - 8:30 pm
Chanhassen Recreation Center
2310 Couter Boulevard, Chanhassen, MN 55317

Tuesday, May 19 from 5:30 - 8:30 pm
Coon Rapids Civic Center
11155 Robinson Drive NW, Coon Rapids, MN 55433

This event is FREE and includes a boxed dinner for registered attendees.

Register at http://www.health.state.mn.us/divs/dedg/topics/animal/tour/index.html
To register over the phone or for questions, please contact Cami Klumb or Joni Schuetz at 651-201-5414

Presented by the Minnesota Department of Health and the Minnesota Department of Agriculture
Funded by the Upper Midwest Agricultural Safety and Health Center (UMASH)
Agritourism is growing in popularity across the nation. Protecting the safety of farm visitors is important for both the visitors and the farms hosting these events.

For more information and resources on agritourism safety, visit these sites:

UMASH
umash.umn.edu/agritourism

Integrating Safety into Agritourism
www.safetysafetytourism.org

An Agricultural & Food Law Consortium Webinar

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